

MAINTENANCE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

| |
|--|
| NO. 5438 |
| FILED WITH SECRETARY OF STATE |
| Date Filed 7-12-79 |
| <i>[Signature]</i> Secretary of State |

*AG Contract #
KR-79-479*

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF FLAGSTAFF, hereinafter called "CITY",

WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this Agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE;

WHEREAS, the CITY is empowered by Arizona Revised Statutes Section 9-672 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY;

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain operations and maintenance activities be provided on the State Highway System in the CITY. This work shall include,

but not be limited to the operation and maintenance of traffic signals and/or highway lighting at the following locations:

| | |
|----------------------------------|-----------------------------|
| US 66 and US 89A | US 66 and Enterprize Road |
| US 66 and Sitgraves (Mikes Pike) | US 66 and 4th Street |
| US 66 and US 180 (Humphrey) | US 66 and Steves Blvd. |
| US 66 and Beaver Street | US 89A and University Drive |
| US 66 and San Francisco Street | US 89A and Riordan Blvd. |
| US 66 and Verde Street | US 180 and Aspen Street |
| US 66 and Switzer Canyon Drive | |

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The CITY shall set aside sufficient funds and be responsible for all electrical energy costs to operate the traffic signals and/or highway lighting.

2. The STATE shall set aside sufficient funds and be responsible for all operations and maintenance except electrical energy cost; the responsibility of the STATE includes monthly telephone charges for traffic signal interconnect circuits when utilized.

3. Any new installation or any betterment shall be based on a traffic engineering study, and the mutual involvements shall be negotiable.

4. THIS AGREEMENT shall remain in force and effect until midnight June 30, 1980, and shall thereafter be automatically renewed for successive periods of one (1) year, unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial expiration date, or of any renewal date hereof, cancelling said Agreement. In event of such notification and upon expiration of the term during which notice is given, this Agreement shall thereupon become of no further force and effect.

5. It is understood that this Agreement will cancel and supersede any previous Agreements for installation, maintenance, and betterment of traffic

signals and/or highway lighting on those State Highways which traverse within the boundaries of the CITY.

6. It is understood that the list of locations set forth in this Agreement may be added to, or have deletions made, by Letter Addendum Exhibit "C", with all other conditions set forth remaining in effect.

7. It is understood that upon the termination of this Agreement for any cause whatsoever, all properties which are the subject matter of this Agreement are declared to be property of the Arizona Department of Transportation.


8. Any disposal of properties subject to this Agreement shall be in a manner as otherwise prescribed by law concerning the disposal of public property.

9. This Agreement shall be filed with the Secretary of State and shall become effective on the 1st day of July, 1979, but in no event prior to its being filed with the Secretary of State.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the law of this State to enter into this Agreement and that it is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

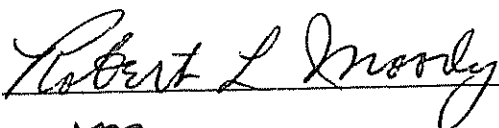
STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: 
Chief Deputy State Engineer

CITY OF FLAGSTAFF

ATTEST:


City Clerk

By: 
Title: Mayor

ADDENDUM

All parties are put on notice that this AGREEMENT is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes Section 38-511.

EXHIBIT "C"
LETTER ADDENDUM

In accordance with paragraph 6 of the Agreement for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF FLAGSTAFF consummated on 7/12/79 it is agreed by both parties that the following location(s) be added to or deleted from, the existing list of locations to be operated and maintained as set forth in said Agreement.

STATE OF ARIZONA
THE ARIZONA DEPARTMENT OF TRANSPORTATION

CITY OF FLAGSTAFF

By: _____

Title: _____

ATTEST:

City Clerk

Date Signed: _____

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true, and correct copy of a portion of the Minutes of the Flagstaff City Council Meeting, held August 1, 1978.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 12th day of March, 1979.


CITY CLERK

(SEAL)

CITY OF FLAGSTAFF

MINUTES 8/1/78

Page 10

The Traffic Commission recommended that the left turn southbound on Lockett Road at Highway 89-A be eliminated, and that a letter be directed to the Arizona Department of Transportation from the Council requesting the elimination of left turns onto Lockett Road at Highway 89-A.

Councilman Robinson moved for the acceptance of that recommendation with the addition that we also request the Department of Transportation to create a left turn lane off of 89-A onto Lockett, and subsequently, permit left turns onto Lockett. The motion was seconded by Councilman Lee. The motion unanimously carried.

Request for a Two-Way "Stop" on Slippery Rock at Hawthorne:

The Traffic Commission recommended installation of a two-way stop on Slippery Rock. It was moved by Councilman Lee and seconded by Councilman Irby to accept the recommendation of the Traffic Commission and install a two-way stop on Slippery Rock at Hawthorne. The motion unanimously carried.

A motion was made by Councilman Lee and seconded by Councilman Irby for a recess. The motion unanimously carried.

CONTRACTS - AGREEMENTS - LEASES:

Brown and Caldwell (EPA Step II Design Grant):

The Assistant City Manager explained that the EPA tendered a grant offer to the City of Flagstaff in the amount of \$1,543,562, which represents seventy-five percent of \$2,058,082 or for \$1,908,082 anticipated as the maximum cost for consultants fees. If the Council agrees to accept the grant offer from EPA, the Mayor could be authorized to execute the contract with Brown and Caldwell in an amount not to exceed \$1,908,082. The staff recommendation is that the Council accept the grant offer and authorize the Mayor to execute the contract with Brown and Caldwell. It was moved by Councilman Lee and seconded by Councilman Irby to accept the staff's recommendation. The motion unanimously carried.

Agreement for Control of Animals:

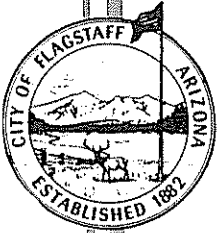
A proposal for the control of prairie dogs was submitted by the Department of Interior. Councilman Irby moved that the Mayor be authorized to execute the agreement. The motion was seconded by Councilman Hannah. The motion unanimously carried.

License Agreement with the Atchison, Topeka and Santa Fe Railway:

The staff recommended that the Mayor be authorized to execute Pipeline License Agreements AO-70252; AW-70282; BL-70206 and Agreement for Private Crossing BL-82802 for the purpose of construction and maintenance of a sewer line. A motion was made by Councilman Holst and seconded by Councilman Lee to authorize the Mayor to execute the agreements. The motion unanimously carried.

Revised Intergovernmental Agreement with the State of Arizona Concerning Traffic Signal Maintenance:

Councilman Robinson moved that the Mayor be authorized to execute the Traffic Signal Maintenance Agreement with the State of Arizona. The motion was seconded by Councilman Lee, which unanimously carried.



City of Flagstaff

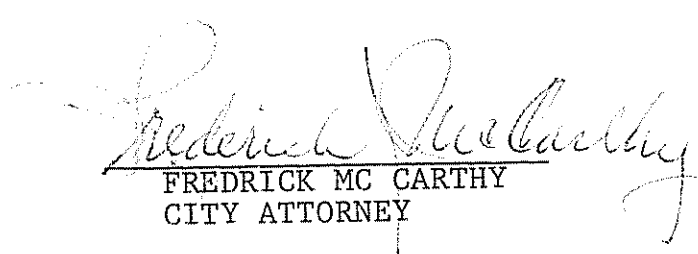
P O Box 1208
Flagstaff, Arizona 86002
602-774-5281

STATEMENT OF ATTORNEY FOR CITY OF FLAGSTAFF

In accordance with A.R.S. §11-951 through 11-954,
we have examined the draft of the intergovernmental
agreement between the City of Flagstaff and the State
of Arizona for Traffic Signal and Street Lighting
Maintenance and have made the following determinations:

1. The City of Flagstaff is authorized under
the laws of the State of Arizona to enter
into an intergovernmental agreement.
2. The agreement is proper in form.

RESPECTFULLY SUBMITTED this 30th day of May, 1979.


FREDRICK MC CARTHY
CITY ATTORNEY



OFFICE OF THE
Attorney General

1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 79-479 which is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 2d day of July, 1979.

ROBERT K. CORBIN
Attorney General

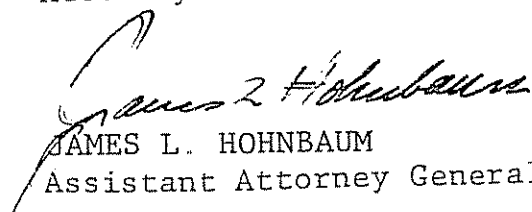

JAMES L. HOHNBAUM
Assistant Attorney General

EXHIBIT "C"
LETTER ADDENDUM

In accordance with paragraph 6 of the Agreement for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF FLAGSTAFF consummated on July 12, 1979, it is agreed by both parties that the following location be added to the existing list of locations to be operated and maintained as set forth in said Agreement.

US 66 at Fanning Drive
(A. G. Contract No. 79-479)

STATE OF ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION

By:

JB Mertz
Chief Deputy State Engineer

CITY OF FLAGSTAFF

By:

Paul J. Binkley
Title: *Mayor*

ATTEST:

Gwendolyn Butler
City Clerk

Date Signed: *May 8, 1981*

EXHIBIT "C"
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US 89 at Smokerise Drive

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: _____

Chief Deputy State Engineer

CITY OF FLAGSTAFF

By: _____

Title: _____

ATTEST:

Linda Butler
City Clerk

Date Signed: March 20, 1981

EXHIBIT "C"
LETTER ADDENDUM


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US 66 at Arrowhead Avenue

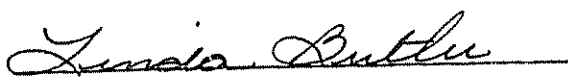
STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: 
Chief Deputy State Engineer

CITY OF FLAGSTAFF

By: 
Title: Mayor

ATTEST:


City Clerk

Date Signed: January 26, 1981

EXHIBIT "C"
LETTER ADDENDUM


In accordance with paragraph 6 of the Agreement for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF FLAGSTAFF consummated on July 12, 1979 it is agreed by both parties that the following locations be added to the existing list of locations to be operated and maintained as set forth in said Agreement.

US 89 at Flagstaff Mall
US 89A at Plaza Way
US 180 at Columbus Avenue


STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: 
Chief Deputy State Engineer

CITY OF FLAGSTAFF

By: 
Title: Mayor

ATTEST:


City Clerk

Date Signed: 10-6-80

EXHIBIT "C"

LETTER ADDENDUM

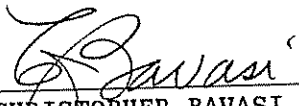
In accordance with paragraph 6. of the Agreement AG # 79-479, Secretary of State # 5438 dated 12 July 1979, for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF FLAGSTAFF, it is agreed by both parties that the following intersections be added to the existing list of intersections to be operated and maintained as set forth in the agreement:

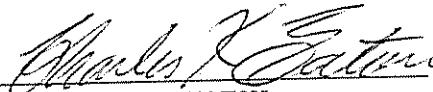
I-40 at Butler Avenue Traffic Interchange Exit Eastbound
I-40 at Butler Avenue Traffic Interchange Exit Westbound

CITY OF FLAGSTAFF

STATE OF ARIZONA

Department of Transportation

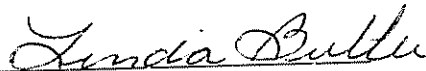
By 
CHRISTOPHER BAVASI
Mayor

By 
CHARLES K. EATON
State Traffic Engineer

Date: August 18, 1995

Date: 8-31-95

ATTEST:

By 
LINDA BUTLER
City Clerk

RESOLUTION NO. 2013

A RESOLUTION AUTHORIZING EXECUTION OF A LETTER ADDENDUM TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FLAGSTAFF AND THE ARIZONA DEPARTMENT OF TRANSPORTATION REGARDING THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AND/OR HIGHWAY LIGHTING.

WHEREAS, the City of Flagstaff and the Arizona Department of Transportation have entered into an Intergovernmental Agreement, effective as of July 1, 1979 and filed with the Arizona Secretary of State on July 12, 1979 as Document No. 5438, for the purpose of providing for the operation and maintenance of certain traffic signals and/or highway lighting on the State Highway System located in the City; and

WHEREAS, Paragraph 6 of said Intergovernmental Agreement provides that the list of highway locations set forth in said Intergovernmental Agreement and to which the said Intergovernmental Agreement applies may be amended by Letter Addendum (designated therein "Letter Addendum Exhibit 'C'"); and

WHEREAS, the Arizona Department of Transportation has proposed two (2) Letter Addenda to said Intergovernmental Agreement one of which would add State Route 66 at Woodlands Village Boulevard to the list of locations set forth in the said Intergovernmental Agreement, and the other would add the intersections at I-40 and Butler Avenue Traffic Interchange Exits Eastbound and Westbound to said list; and

WHEREAS, the three locations set forth in the said Letter Addenda are already now, and for some time have been, operated, maintained and administered in accordance with the terms of said Intergovernmental Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That the Mayor of the City of Flagstaff be, and hereby is, authorized and directed to execute the said Letter Addenda for and on behalf of the City of Flagstaff.

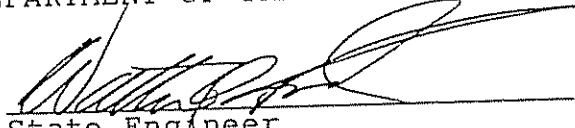
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LETTER ADDENDUM

In accordance with paragraph 6 of the Agreement AG #79-479, Secretary of State #5438 dated July 12, 1979, for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF FLAGSTAFF, it is agreed by both parties that the following intersection be added to the existing list of intersections to be operated and maintained as set forth in said Agreement:

US 89 & Railhead Avenue - MP 419.9

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

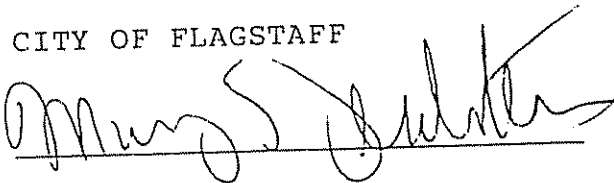

State Engineer

DATE:

12 FEB 1988

CITY OF FLAGSTAFF

BY:



TITLE:

Vice Mayor

DATE:

February 11, 1988

ATTEST:



City Clerk

EXHIBIT "C"

LETTER ADDENDUM

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State Route 66 at Woodlands Village Boulevard

CITY OF FLAGSTAFF

STATE OF ARIZONA

Department of Transportation


By 
CHRISTOPHER BAVASI
Mayor

By 
CHARLES K. EATON
State Traffic Engineer

Date: August 18, 1995

Date: 8-31-95

ATTEST:

By 
LINDA BUTLER
City Clerk

RESOLUTION NO. 2013

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SECTION 1: That the Mayor of the City of Flagstaff be, and hereby is, authorized and directed to execute the said Letter Addenda for and on behalf of the City of Flagstaff.